

March 7, 2007

**MINUTES OF A REGULAR MEETING
OF THE TORRANCE BLUE RIBBON
COMMITTEE ON ETHICS AND INTEGRITY**

1. CALL TO ORDER

The Torrance Blue Ribbon Committee on Ethics and Integrity convened in a regular meeting at 7:05 p.m. on March 7, 2007, in the Cultural Arts Center Garden Room.

2. ROLL CALL

Present: Members Adelsman, Furey, Gallagher, Gottshall-Sayed, Mayeda, McCabe,* Montoya, Payne, Skoll and Chair Hardison.

Absent: Member Benoit.

Also Present: Assistant City Attorney Pohl and Assistant City Manager Sunshine.

* Member McCabe arrived at 7:11 p.m.

3. AFFIDAVIT OF POSTING

Assistant City Manager Sunshine indicated that the affidavit had been posted.

Chair Hardison reported that Member Benoit had requested an excused absence.

4. APPROVAL OF MINUTES – FEBRUARY 7, 2007

MOTION: Member Mayeda moved to approve the February 7, 2007 minutes as written. Member Gallagher seconded the motion and a voice vote reflected unanimous approval.

5. Discussion Items which may involve review of such issues as gifts and gratuities, campaign finances, conflicts of interest, statements of economic interest, misuse of public funds; revolving door issues (post employment lobbying), meals, and staging photos for elections involving city vehicles and uniformed employees.

Item 5c. was taken out of order at this time.

**5c. Review and comments from City Council Meeting of
February 27, 2007**

Chair Hardison thanked Member Gallagher for presenting to the City Council and she also thanked those Committee members who were able to attend the meeting. Member Gallagher reported a few comments from the Council but no questions.

5a. Review and discuss proposed examples for each of the standards

- i. Honesty
- ii. Respect
- iii. Responsibility
- iv. Transparency
- v. Trust

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Member Adelsman reported difficulty with formulating examples and she suggested that City staff be involved as they have the practical experience to provide proper examples.

Member McCabe arrived at 7:11 p.m.

Assistant City Manager Sunshine indicated that if the Committee requested, staff could help facilitate the discussion as they are exposed to ethics violations.

Vice Chair Gallagher provided several examples of problems and solutions that he had formulated and he suggested going through ethics laws and regulations, identifying types of problems, picking out likely situations that people might encounter and building the examples from there.

Member Montoya related that he would have liked to have interviewed people who have experience and could identify specific issues or problems.

Member Payne reported searching the Internet for problems in local government and finding many real world situations to stimulate thinking. He provided examples of problems he had formulated noting that he had not provided solutions as he wanted the individual to come up with their own.

The Committee discussed looking at issues and then factual scenarios which provide a context for the statement.

Member Gottshall-Sayed suggested that ongoing education would apply and reinforce the programs down the road and she felt it might work better with several examples per statement which would make the ongoing education more interesting and help reinforce what was inappropriate. She liked the idea of providing options to choose for the solution which goes along with interactive education.

The group discussed ethics programs in other cities, their training requirements and the large amount of money spent creating new training programs for ethics each year and Member Skoll proposed basing the annual ethics training program for City employees on other previously established programs.

Chair Hardison suggested scenarios to address issues at the elected level such as leaking confidential information and she clarified some of the differences in the standards that Commissioners and Councilmembers are held to.

The group discussed the difficulty of financing a campaign; acceptance of campaign contributions and potential obligations that go along with that; publicly financing campaigns at the City level; the importance of keeping the campaigns local; increased costs now that local elections are part of the state primaries and ways that people try to circumvent election financing rules.

Chair Hardison felt that ethical behavior meant that sometimes even if the law allows you to use a loophole you don't do it.

Member Adelsman disagreed and suggested that instead law should be made to be very specific as she felt that leaving gaps in the law encouraged people to behave unethically.

She suggested presenting the code to the City Council and as a side note they could indicate where they see gaps in the law.

Member Gottshall-Sayed reminded the Committee that they were formulating an inspirational code and therefore the law was not the maximum standard. She stated that the code was intended to inspire people to rise above the letter of the law and do better.

Vice Chair Gallagher pointed out that they had been asked to look at new regulations when appropriate and to close loopholes. He noted a clear distinction between the law and what was ethical and he questioned whether the code was self enforcing or whether there would be a mechanism in the system with a judging authority determining whether you crossed the line which is different than breaking the law.

Chair Hardison suggested identifying issues from the values perspective that need to be addressed and she encouraged consolidating duplicative standards.

The Committee discussed possible issues to address including: election financing, sexual harassment, violating confidentiality agreements, not recusing yourself when you should, contentious relationships, alleged racial bias, and not going through proper channels to address alleged indiscretions.

Chair Hardison suggested the following subjects for scenarios: confidentiality taken from any angle; coming to a meeting with information that would affect decision making that you don't share; taking of money and voting; conflicts of interest; accepting gifts; respectfully dealing with people that come before Committees, Commissions and the Council; arriving with your mind made up; daisy chain communication; attacking a colleague; and slam dunk appointment of Commissioners where it is apparent that there has been chatting off the record.

The Committee discussed other issues such as using your power outside of the office, being taken out to lunch individually or as part of a group, recruiting other leaders in the community to act as your pawns at various hearings; misuse of public resources; and misuse of expense accounts.

Vice Chair Gallagher expressed concern with overwhelming people with too many examples and he envisioned tying examples to identified problem areas as opposed to tying them to the standard. He pointed out that the Commissioner's course addressed many ethical dilemmas, some of which were common areas and others were less likely. Certain issues have been highlighted through prior examples and he felt that examples should be tied to that rather than to the standard.

The Committee discussed various ways to proceed and Chair Hardison suggested that the standards could be used as a jumping off point with each Member assigned one scenario to write for two standards.

Member Payne pointed out the importance of keeping to the established structure which will be easy to teach, train, and communicate.

- b) Review and discuss Laws and Regulations regarding ethical conduct**
- c) Review and comments from City Council meeting of February 27, 2007**

Considered earlier in the meeting.

d) Instructions to Staff

Assistant City Manager Sunshine was instructed to compile examples received from Committee members and provide a complete list to each member.

6. ACTION ITEMS

6a. Approve Proposed Examples for Standards:

The Committee grouped potential issues with corresponding statements and each Member was assigned two statements to create an example for.

Honesty

1. I speak the truth – even if it is uncomfortable – I am sincere, candid and keep confidences.
Member: Payne
Issue: Confidentiality
2. Any decisions I make are based solely on the best interests of the City of Torrance, and I recuse myself at any instance of potential conflict.
Member: Adelsman
Issues: Councilmember attacking another Councilmember
Taking of money and voting/conflict of interest
3. I always display impartiality.
Member: Adelsman
Issue: Councilmembers/Commissioners/Committee Members dealing with the public

Respect

4. I treat my fellow officials, staff and the public with courtesy, compassion and civility, even when we disagree on what is best for the community.
Member: Furey
Issues: Councilmember attacking another Councilmember
Councilmembers/Commissioners/Committee Members dealing with the public
5. I actively listen, ask questions, seek diverse opinions and participate in value-added discussion for the purpose of consensus building.
Member: Payne
Issues: Councilmembers/Commissioners/Committee Members dealing with the public
Committee or Council members have their minds made up ahead of time.
Position developed before public process

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6. I respect the right of all employees and the public to fair treatment and equal opportunity, free from discrimination or harassment of any sort.
 Member: Gallagher
 Issues: Councilmember attacking another Councilmember
 Councilmembers/Commissioners/Committee Members dealing with the public
7. I accept individual differences and beliefs without prejudice. I judge others on their character, abilities and conduct.
 Member: Gallagher
 Issue: Councilmember attacking another Councilmember
8. I gain value by respecting others' ideas, diversity, time, differences, creativity, skills and knowledge.
 Member: Montoya
 Issues: Councilmember attacking another Councilmember
 Councilmembers/Commissioners/Committee Members dealing with the public

Responsibility

9. I take responsibility for my actions regardless of their outcome.
 Member: McCabe
 Issue: Using your position of power outside of your office
10. I am a prudent steward of public resources and consider the impact of my decisions on the City and its citizens.
 Member: Montoya
 Issue: Misuse of public resources
11. I prepare for meetings, read provided material, research issues, and make informed decisions.
 Member: Mayeda
 Issue: Councilmembers/Commissioners/Committee Members dealing with the public
12. I encourage others to act responsibly through my speech and actions.
 Member: Benoit
 Issue: Councilmembers/Commissioners/Committee Members dealing with the public
 Using your position of power outside of your office
13. I never excuse or ignore inappropriate activities.
 Member: Mayeda
 Issues: Councilmember attacking another Councilmember
 Misuse of public resources

Transparency

14. I will be open in all activities in which I am engaged, making no attempt to keep the public from any knowledge pertaining to any public issue.
Member: Skoll
Issues: Not making decisions publicly
Committee or Council members have their minds made up ahead of time.
Position developed before public process
15. I will not maintain nor support any hidden agenda and my decisions/actions will be based solely on the merits of the matter before me.
Member: Gottshall-Sayed
Issues: Taking of money and voting/conflict of interest
Not making decisions publicly
Committee or Council members have their minds made up ahead of time.
Position developed before public process
16. Understanding that public perception is important, I, as a public official, commissioner or employee accept that I am ethically bound to do more than is required of me and less than allowed by law.
Member: Gottshall-Sayed
Issues: Taking of money and voting/conflict of interest
Not making decisions publicly
17. I will view my conduct through the eyes of those watching my actions to build and maintain the public's trust.
Member: Furey
Issues: Councilmembers/Commissioners/Committee Members dealing with the public
Not making decisions publicly
Using your position of power outside of your office

Trust

18. I will ensure that all my communication, interactions, and transactions are open, honest, accurate, and have the best interests of the city and the citizens in mind.
Member: McCabe
Issues: Councilmember attacking another Councilmember
Taking of money and voting/conflict of interest
19. I will be fair, impartial, and equitable when making decisions, avoiding the temptation to favor those who have supported me and disfavor those who have not.
Member: Benoit
Issues: Councilmember attacking another Councilmember
Taking of money and voting/conflict of interest
Using your position of power outside of your office
20. I will uphold the highest confidence and public trust by never using city assets, information, or relationships for personal gain.
Member: Skoll
Issues: Taking of money and voting/conflict of interest
Using your position of power outside of your office
Misuse of public resources

Chair Hardison indicated that she would pick issues two issues to write about.

6b. Instructions to Staff

Chair Hardison announced that she and Assistant City Manager Sunshine would attend the Ethics Officers meeting at the Metropolitan Water District in early April with a member of the ethics faculty from Santa Clara University faculty slated to speak.

Assistant City Manager Sunshine asked that Members provide their information to him by March 23 and he agreed to send the Members the list of who was assigned to what standard.

Chair Hardison reminded them that each Member had two numbers and they were to write one scenario per number with one problem and three possible solutions.

Vice Chair Gallagher reminded everyone to keep the examples short.

Chair Hardison suggested looking at which standards could be redundant.

Assistant City Attorney Pohl offered to provide examples of issues that have come up and he clarified that up to five Committee Members were allowed to meet although Members have been advised not to email each other.

Chair Hardison reported starting to make a list of where there are gaps and she suggested that the scenarios might help identify that.

7. ORAL COMMUNICATIONS

Chair Hardison asked for Orals. There were none.

8. ADJOURNMENT

At 9:33 p.m., the meeting was adjourned to Wednesday, April 4, 2007 at 7:00 p.m., in the Cultural Arts Center Garden Room.

Approved as Submitted April 4, 2007 s/ Sue Herbers, City Clerk
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